

EXHIBIT 1

From: Bryan Tyson <btyson@taylorenghish.com>
Sent: Tuesday, August 25, 2020 7:20 PM
To: Cross, David D.; Miriyala, Arvind S.; Jonathan Crumly; 'Bruce Brown'; Rashmi Ahuja; 'cichter@ichterdavis.com'; 'jpowers@lawyerscommittee.org'; 'dbrody@lawyerscommittee.org'; 'erosenberg@lawyerscommittee.org'; 'kaye.burwell@fultoncountyga.gov'; 'david.lowman@fultoncountyga.gov'; 'cheryl.ringer@fultoncountyga.gov'; 'ram@lawram.com'; 'grant.schnell@hklaw.com'; Diane LaRoss; James Balli; Bryan Jacoutot; Loree Anne Paradise; Drina Miller; 'Vincent Russo'; 'Alexander Denton'; 'Carey Miller'; 'Kim Bunch'; 'Josh Belinfante'
Cc: 'hknapp@khlawfirm.com'; 'sparks@khlawfirm.com'; Hedgecock, Lyle F.; Manoso, Robert W.; Conaway, Jenna B.
Subject: RE: Curling, et al. v. Raffensperger, et al. – Access to Dominion BMD and Related Material

External Email

David,

We do not represent counties in this case, so we can't answer what counties may or may not do in terms of equipment deployment, but expect that in a high-turnout election like November 2020, practically speaking, all available equipment will be in use. From what the Secretary's office advises, they are not aware of extra equipment that can be taken out of active use in elections.

State Defendants will not purchase equipment from Dominion under the State's existing contract on behalf of the Plaintiffs in this litigation.

Thanks,

Bryan



Bryan P. Tyson

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From: Cross, David D.

Sent: Tuesday, August 25, 2020 1:49 PM

To: Bryan Tyson ; Miriyala, Arvind S. ; Jonathan Crumly ; 'Bruce Brown' ; Rashmi Ahuja ; 'cichter@ichterdavis.com' ; 'jpowers@lawyerscommittee.org' ; 'dbrody@lawyerscommittee.org' ; 'erosenberg@lawyerscommittee.org' ; 'kaye.burwell@fultoncountyga.gov' ; 'david.lowman@fultoncountyga.gov' ; 'cheryl.ringer@fultoncountyga.gov' ; 'ram@lawram.com' ; 'grant.schnell@hklaw.com' ; Diane LaRoss ; James Balli ; Bryan Jacoutot ; Loree Anne Paradise ; Drina Miller ; 'Vincent Russo' ; 'Alexander Denton' ; 'Carey Miller' ; 'Kim Bunch' ; 'Josh Belinfante'
Cc: 'hknapp@khlawfirm.com' ; 'sparks@khlawfirm.com' ; Hedgecock, Lyle F. ; Manoso, Robert W. ; Conaway, Jenna B.
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Bryan -

Thanks for getting back to us today. To clarify, what I said — or intended to say (I don't yet have a transcript) — was that we wouldn't examine Dominion equipment that would interfere with elections as part of expedited discovery. That's why we're not asking for a sample of equipment used in elections but rather a single BMD, printer, scanner, and the requisite software.

We understand that the state and counties use only a portion of their stock in any given election and have extra in case a need arises. So we'd like to understand why neither the state nor any county can spare just a single set of equipment.

Also, please let us know if you will instead obtain another set from Dominion which we would pay for, assuming none of the stock in GA is available. We reviewed the pricing available online, although we suspect you probably get better pricing given your relationship with Dominion. We'd appreciate you letting us know today whether you'll do this and get us the equipment ASAP (ideally this week or early next week).

We believe the court expects this kind of analyses, as with the DREs, and it goes to the core of our claims. Again, we had hoped to obtain this ourselves as we did with the DREs, but our research has found none available publicly.

Look forward to talking tomorrow.

Thanks.

DC

From: Bryan Tyson <btyson@taylorenghish.com>

Date: Tuesday, Aug 25, 2020, 1:28 PM

To: Miriyala, Arvind S. <AMiriyala@mofo.com>, Jonathan Crumly <jcrumly@taylorenghish.com>, 'Bruce Brown' <bbrown@brucebrownlaw.com>, Rashmi Ahuja <rahuja@taylorenghish.com>, 'cichter@ichterdavis.com' <cichter@ichterdavis.com>, 'jpowers@lawyerscommittee.org' <jpowers@lawyerscommittee.org>, 'dbrody@lawyerscommittee.org' <dbrody@lawyerscommittee.org>, 'erosenberg@lawyerscommittee.org' <erosenberg@lawyerscommittee.org>, 'kaye.burwell@fultoncountyga.gov' <kaye.burwell@fultoncountyga.gov>, 'david.lowman@fultoncountyga.gov' <david.lowman@fultoncountyga.gov>, 'cheryl.ringer@fultoncountyga.gov' <cheryl.ringer@fultoncountyga.gov>, 'ram@lawram.com' <ram@lawram.com>, 'grant.schnell@hklaw.com' <grant.schnell@hklaw.com>, Diane LaRoss <dlaross@taylorenghish.com>, James Balli <jballi@taylorenghish.com>, Bryan Jacoutot <bjacoutot@taylorenghish.com>, Loree Anne Paradise <lparadise@taylorenghish.com>, Drina Miller <dmiller@taylorenghish.com>, 'Vincent Russo' <vrusso@robbinsfirm.com>, 'Alexander Denton' <Alexander.Denton@robbinsfirm.com>, 'Carey Miller' <carey.miller@robbinsfirm.com>, 'Kim Bunch' <Kim.Bunch@robbinsfirm.com>, 'Josh Belinfante' <Josh.Belinfante@robbinsfirm.com>

Cc: Cross, David D. <DCross@mofo.com>, 'hknapp@khlawfirm.com' <hknapp@khlawfirm.com>, 'sparks@khlawfirm.com' <sparks@khlawfirm.com>, Hedgecock, Lyle F. <LHedgecock@mofo.com>, Manoso, Robert W. <RManoso@mofo.com>, Conaway, Jenna B. <JConaway@mofo.com>

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External Email

Arvind:

We were surprised at this request given the statement by David in the call with the Court that your clients did not expect to request to examine Dominion equipment. But we have consulted with our clients and we cannot provide the equipment you requested from our current stock. Our clients advised that all Dominion equipment owned by the state is either currently in use for an election (such as the September 29 special election) or is being actively prepared for the November general election.

We are available to discuss this on the call tomorrow regarding document requests.

Thanks,

Bryan



Bryan P. Tyson

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From: Miriyala, Arvind S. <AMiriyala@mofo.com>

Sent: Monday, August 24, 2020 10:53 AM

To: Bryan Tyson <btyson@taylorenghish.com>; Jonathan Crumly <jcrumly@taylorenghish.com>; 'Bruce Brown' <bbrown@brucebrownlaw.com>; Rashmi Ahuja <rahuja@taylorenghish.com>; 'cichter@ichterdavis.com' <cichter@ichterdavis.com>; 'jpowers@lawyerscommittee.org' <jpowers@lawyerscommittee.org>; 'dbrody@lawyerscommittee.org' <dbrody@lawyerscommittee.org>; 'erosenberg@lawyerscommittee.org' <erosenberg@lawyerscommittee.org>; 'kaye.burwell@fultoncountyga.gov' <kaye.burwell@fultoncountyga.gov>; 'david.lowman@fultoncountyga.gov' <david.lowman@fultoncountyga.gov>; 'cheryl.ringer@fultoncountyga.gov' <cheryl.ringer@fultoncountyga.gov>; 'ram@lawram.com' <ram@lawram.com>; 'grant.schnell@hklaw.com' <grant.schnell@hklaw.com>; Diane LaRoss <dlaross@taylorenghish.com>; James Balli <jballi@taylorenghish.com>; Bryan Jacoutot <bjacoutot@taylorenghish.com>; Loree Anne Paradise <lparadise@taylorenghish.com>; Drina Miller <dmiller@taylorenghish.com>; 'Vincent Russo' <vrusso@robbinsfirm.com>; 'Alexander Denton'

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Cc: Cross, David D. <DCross@mofo.com>; 'hknapp@khlawfirm.com' <hknapp@khlawfirm.com>; 'sparks@khlawfirm.com' <sparks@khlawfirm.com>; Hedgecock, Lyle F. <LHedgecock@mofo.com>; Manoso, Robert W. <RManoso@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>
Subject: Curling, et al. v. Raffensperger, et al. – Access to Dominion BMD and Related Material

Dear Counsel –

We need access to a Dominion BMD, scanner, printer, and required software for the examination and testing we understand the Court expects, akin to what we did previously with a DRE. Unfortunately it appears that the necessary equipment and software are not publicly available, unlike the DREs. We would appreciate you providing us this week the equipment and software, which we are prepared to pay for. If you cannot provide this from your current stock, please explain why and please let us know if you will have Dominion provide it to us.

Please let us know by noon ET tomorrow whether you will do this and provide it by COB on Wednesday. If you decline, please let us know your availability to participate in a call tomorrow to confer.

Thanks,
Arvind

Arvind Miriyala

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